

Message Text

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TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 198564 TOSEC 200317

FOLLOWING REPEAT USUN 3154 ACTION SECSTATE 09 AUG 1976

QUOTE C O N F I D E N T I A L USUN 3154

FROM: LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: CLASSIFIED SUMMARY LOS CONFERENCE AUGUST 2-6, 1976

COMMITTEE I

1. THE FIRST WEEK OF THIS SESSION REVEALED THAT THE DIS-SATISFIED MINORITY IN GROUP OF 77 (G-77) WHICH EMERGED IN LAST WEEK OF SPRING SESSION IN NEW YORK WOULD BE SUFFICIENTLY TENACIOUS AS TO PRECIPITATE SUBSTANTIAL SHIFT IN G-77 TO MORE EXTREME POSITION. POWER OF MODERATE LDGS, I.E., THOSE WITH WHOM WE NEGOTIATED IN SECRET BRAZIL GROUP, HAS BEEN SERIOUSLY DILUTED, AND THOSE COUNTRIES ARE KEEPING LOW PROFILE. MEXICO, INDIA, GHANA AND ARAB GROUP, LED BY TUNISIA AND ALGERIA, ARE DOMINATING "SILENT MAJORITY."

2. THIS PHENOMENON HAS BEEN MANIFESTED IN PROCEDURAL DEBATE AND DECISIONS WHICH WERE FINALLY TAKEN ON FRIDAY, CONFIDENTIAL

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AUGUST 6. FIRST, G-77 INSISTED ON SINGLE WORKING GROUP IN COMMITTEE WITH MANDATE TO NEGOTIATE ALL ISSUES IN CI. PURPOSE OF THIS DEMAND WAS TO PRECLUDE PAUL ENGO (CAMEROONS CHAIRMAN OF CI) FROM HAVING IMPORTANT ROLE

IN FURTHER REVISION OF SNT, SINCE HE WAS RESPONSIBLE' FOR WHAT VOCAL EXTREMISTS CONSIDER TO BE SELL-OUT TO INDUSTRIALIZED COUNTRIES. AS COMPROMISE WITH US, THEY ACCEPTED PRINCIPLE OF TWO CO-CHAIRMEN FOR THIS WORKING GROUP. WE KNOW THAT SINGLE WORKING GROUP UNDER ONE CHAIRMAN WAS LIKELY TO LEAD TO TOTAL POWER IN HANDS OF CHAIRMAN SELECTED FROM LEFT-SIDE OF SPECTRUM IN G-77 AND CO-CHAIRMEN IDEA WAS ATTEMPT TO ENSURE BALANCE AND POSSIBLE DIVISION OF RESPONSIBILITY. SECOND, G-77 INSISTED THAT ONE-CO-CHAIRMAN IN FACT BE ACTIVE AND INFLUENTIAL LEADER IN CI FROM LEFT-SIDE OF SPECTRUM OF G-77, TO WIT, DR. JAGOTA OF INDIA. THIRD, MANY OF G-77 "SILENT MAJORITY" WOULD HAVE BEEN PREPARED TO GO ALONG WITH MODERATE LDC CO-CHAIRMAN, BUT ON INSISTANCE OF VOCAL MINORITY ALLOWED THEMSELVES TO SUPPORT MORE EXTREME CANDIDATE. THIS LATTER FACT IS CLEAREST EVIDENCE THAT G-77 AT THIS TIME AND IN THIS CLIMATE ARE WILLING TO BE LED BY EXTREME FACTION. MOREOVER, MODERATE LDCS FROM SECRET BRAZIL GROUP WERE RELUCTANT TO EXPOSE THEMSELVES IN DIRECT FIGHT OVER CO-CHAIRMEN BECAUSE THEY PRECEIVED LEADERSHIP OF EXTREMISTS INEVITABLE FOR TIME BEING.

3. WE KNOW FROM ALL OUR CONSULTATIONS IN INTERSESSIONAL PERIOD AND INFORMAL CONTACTS HERE IN NEW YORK THIS WEEK THAT REAL PROBLEMS FOR G-77 IN REVISED SNT ARE POWERS OF ASSEMBLY AND ITS RELATIONSHIP TO THE COUNCIL, THE FUNCTIONING OF THE ENTERPRISIE AND ARTICLE 22 (ACCESS SYSTEM) AND THE TRIBUNAL, BUT WE ARE NOT CERTAIN G-77 AS A WHOLE RECOGNIZES THIS. CANADA IS ALSO ACTIVELY CAMPAIGNING TO REOPEN THE PRODUCTION LIMITATION IN ARTICLE 9 AND MAY GET SUPPORT FROM SOME LDCS. AT THIS TIME, G-77 ADOPTING VAGUE POSITIONS, EXPRESSING GENERAL SENSE OF DISSATISFACTION WITHOUT PUBLICLY IDENTIFYING WHAT SPECIFIC PROBLEMS THAY HAVE WITH REVISED SNT. HOWEVER, US DELEGATION CONFIDENT THAT EVENTUALLY THESE THREE ISSUES WILL BE THOSE ON WHICH DEBATE ANS SERIOUS CONFIDENTIAL

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NEGOTIATION OCCUR.

4. US DELEGATION TENTATIVELY THINKING OF PURSUING STRATEGY OF ALLOWING COMMITTEE TO POLARIZE IN RESPONSE TO EXTREMIST LDC STATEMENTS AND US AND OTHER INDUSTRIALIZED COUNTRIES' COUNTERSTATEMENTS IN HOPES THAT AFTER SEVERAL WEEKS OF FRUITLESS DEBATE AND WRANGLING OVER PROCEDURAL MATTERS, MORE RESPONSIBLE LEADERSHIP WILL RISE TO DOMINATE G-77 AND SERIOUS AND MORE CONSTRUCTIVE NEGOTIATION WILL OCCUR. WE, HOWEVER, HAVE UNDER CONTINUING REVIEW TWO OTHER STRATEGIES WHICH COULD BE EMPLOYED. FIRST WOULD BE TO REMAIN SILENT AND PATIENT IN COMMITTEE AS G-77 REACTION IS EXPRESSED, AS IN CASE OF A PARENT OBSERVING

A TEMPER TANTRUM CAREFULLY AVOIDING THROUGH INSERTING ITS FORCEFUL PERSONALITY A FURTHER EXAGGERATION OF THE SITUATION. IT IS POSSIBLE THAT THIS APPROACH MIGHT DEFUSE IMMINENT POLARIZATION AND PERMIT USEFUL NEGOTIATIONS TO COMMENCE SOON. SECOND POSSIBLE ALTERNATIVE STRATEGY WOULD BE TO HELP IDENTIFY AND REFINE ISSUE ON WHICH GREATEST DISSATISFACTION EXIST, FUNCTIONING OF ENTERPRISE, AND MAKE CONSTRUCTIVE PROPOSALS TO DEAL EFFECTIVELY WITH FRUSTRATION IN G-77. THIS TOO COULD ISOLATE EXTREMIST AND BRING MODERATES BACK INTO CONTROL. IN UTILIZING THIS LATTER STRATEGY, WE WOULD HAVE TO HOLD BACK TEMPORARILY SOME OF OUR IMPORTANT DEMANDS, SUCH AS OUR POSITION ON COUNCIL AND ANY IMPROVEMENTS TO ACCESS SYSTEM, RELYING ON TOTAL PACKAGE CONCEPT TO PROTECT THOSE INTERESTS WE WOULD NOT BE ACTIVELY PROSECUTING IN THE NEXT SEVERAL WEEKS. UNDER THE FIRST TWO STRATEGIES, WE WOULD INTRODUCE OUR MAJOR OBJECTIVES, COUNCIL VOTING AND IMPORTANCE OF ACCESS EARLIER RATHER THAN LATER AND AVOID CONSTRUCTIVE PROPOSALS ON THE ENTERPRISE UNTIL THE LATTER PART OF THIS SESSION. SITUATION IN CI IS CO FLUID AT THIS POINT IN TIME AND CHANCE OF MISCALCULATING AND OVER-ESTIMATING EXTREMISM IN G-77 SO SERIOUS THAT WE WILL AVOID ANY PRECIPITOUS STRATEGIC DECISION AND RETAIN FLEXIBILITY IN COMING DAYS TO DESIGN STRATEGY TAILORED TO REPIDLY CHANGING EVENTS IN COMMITTEE. ACCORDINGLY, WE HAVE NO FIXED VIEWS ON TIMING OF INTRODUCING US PROPOSAL ON VOTING IN COUNCIL OR OF POSSIBLE US MODES TO ACCOMMODATE CONFIDENTIAL

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LDC CONCERNS ON ENTERPRISE.

5. IN SUMMARY, PREDICTABLE SITUATION IN CI FOR FIRST WEEKS OF THIS SESSION BEARS WITNESS TO CYCLINAL NATURE OF NEGOTIATING PROGRESS IN CI. WHILE US DELEGATION AT 1974 CARACAS SESSION OCCUPIED CONSIDERABLE TIME OF CI DEMONSTRATING TO LDCS OUR DISENCHANTMENT WITH STATUS OF NEGOTIATIONS, 1975 GENEVA SESSION WAS DEVOTED TO CONSIDERABLE SUBSTANTIVE PROGRESS WHICH WAS UNFORTUNATLEY IGNORED IN ENGO'S PREPARATION OF SNT. EXTENSIVE INTER-SESSIONAL CI WORK PRIOR TO SPRING SESSION IN NEW YORK PERMITTED BOTH INDICSTRIALIZED COUNTRIES AND SOME LDCS TO VENT DISSATISFACTION WITH GENEVA SNT AND WAS FOLLOWED BY CONSTRUCTIVE NEGOTIATION AT THAT SESSION, AT LEAST FROM US PERSPECTIVE. CLEARLY, G-77, FOR WHOM REVISED SNT REPRESENTS SIGNIFICANT CONCESSIONS, IS NOW MANEUVERING ON PROCEDURAL ISSURES TO ENSURE OPPORTUNITY TO BRING BEFORE CI THEIR DISCONTENT. US DELEGATION IS HOPEFUL THAT TIME REQUIRED FOR G-77 TO COMPLETE THIS REACTIVE PHASE WILL BE SHORT ENOUGH TO ENABLE SOME PROGRESS TO BE MADE LATER IN SESSION. SIZE OF G-77 CONSENSUS POSITIONS WILL INEVITABLY BE ON MOST CRITICAL

ISSUE IN C-1.

COMMITTEE II

6. COMMITTEE TWO COMPLETED ITS PROCEDURAL WORK IN TWO DAYS BY ESTABLISHING NEGOTIATING GROUPS (NG) CHAIRED BY AQUILAR TO DEAL WITH "PRIORITY" ISSUES (WITHOUT PREJUDICE TO OTHER ISSUES AT A LATER STAGE) INCLUDING: 1) THE LEGAL STATUS OF THE ECONOMIC ZONE; 2) RIGHTS OF ACCESS FOR LANDLOCKED STATES TO THE SEA; AND 3) THE CONTINENTAL SHELF (INCLUDING REVENUE SHARING). THE FIRST ROUND OF SUBSTANTIVE WORK WAS CARRIED OUT WITH EACH NEGOTIATING GROUP MEETING ONCE.

7. THE MAJOR ISSUE FOR THE U.S. REMAINS THE QUESTION OF THE HIGH SEAS STATUS OF THE ECONOMIC ZONE. US DEL MADE TWO STRONG INTERVENTIONS, THE FIRST TO PROTECT US POSITION FROM A PROCEDURAL MOVE REGARDING THE CHARACTERIZATION OF THE ISSUE IN THE CHARGE TO THE CONFIDENTIAL

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NEGOTIATING GROUP WHICH WOULD HAVE PREJUDICED THE US. THIS MOVE, INITIATED BY MEXICO AND INITIALLY SUPPORTED BY CHAIRMAN AQUILAR, WAS AVERTED. THE SECOND INTERVENTION, DURING THE FIRST SUBSTANTIVE SESSION, WAS DESIGNED TO REMOVE ANY DOUBTS CONCERNING THE IMPORTANCE OF THIS ISSUE TO US. SUCH DOUBTS HAVE MANIFESTED THEMSELVES AMONG THE GROUP OF 77.

8. THE US DEL IS NOTE PLEASED THAT THE DECISION WAS TAKEN TO DEAL WITH THE QUESTION OF THE RIGHTS OF ACCESS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO THE LIVING RESOURCES OF REGIONAL ECONOMIC ZONES ALONG WITH THE GENERAL QUESTION OF THE HIGH SEAS STATUS OF THOSE ZONES. THE LL/GDS GROUP HAS BEEN IN SUPPORT OF THE US POSITION, BUT IT IS ALREADY APPARTNET, PARTICULARLY WITH REGARD TO THE LATINS, THAT A DEAL IS BEING OFFERED TO NULLIFY THAT SUPPORT. I.E., ACCESS TO RESOURCES IN EXCHANGE FOR SUPPORT OF COASTAL STATES' POSITION ON THE STATUS OF ECONOMIC ZONE. WHILE US HAS NOT ACTIVELY SOUGHT LL/GDS SUPPORT, ITS LOSS WOULD DAMAGE US POSITION SUBSTANTIALLY, AND IT MIGHT BE NECESSARY TO CONSIDER HOW US COULD GIVE HELP TO THAT GROUP ON ISSUES OF IMPORTANCE TO IT (E.G., ACCESS TO LIVING RESOURCES; REVENUE SHARING ON THE SHELF).

9. THE DISCUSSIONS ON THIS ISSUE THUS FAR HAVE BEEN SOLELY ON THE PHILOSOPHICAL LEVEL. THE GROUP IS WIDELY SPLIT ON THE ISSUE. MAJOR OPPOSITION TO DATE HAS COME FROM MEXICO, PERU, AND TANZANIA. WHILE THE MARITIME STATES FAVOR OUR POSITION, THEY HAVE THUS FAR BEEN SILENT. SUPPORT HAS COME FROM THE LL/GDS GROUP. THE

RESOLUTION OF THIS ISSUE IN OUR INTEREST INVOLVES CHANGING THE RSNT IN A SUBSTANTIAL WAY AND THUS WILL BE A DIFFICULT ENDEAVOR. IT IS EXPECTED THAT THE DISCUSSIONS WILL SOON FOCUS ON SPECIFIC CHANGES AND US DEL IS PREPARED TO TABLE AMENDMENTS IN COOPERATION WITH OTHER MARITIME STATES.

10. US DEL HAS NOT PARTICIPATED IN DISCUSSIONS IN NGII (ACCESS) ALTHOUGH IT IS A MEMBER. IN NG III (CONTINENTAL SHELF) US DEL WILL MAINTAIN A LOW PROFILE UNTIL GENERAL DEBATE IS CONCLUDED, WHILE CONTINUING TO PURSUE PRIVATELY CONFIDENTIAL

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A PACKAGE CONSISTING OF A REASONABLE AND PRECISE DEFINITION OF THE SHELF COUPLED WITH A REVENUE SHARING FORMULA FOR THE AREA BEYOND 200 MILES. THE LATTER IS ESSENTIAL IF THE LL/GDS ARE TO ACCEPT ANY MARGIN BEYOND 200 MILES.

COMMITTEE III

11. ON SCIENTIFIC RESEARCH. CHAIRMAN YANKOV CORRECTLY IDENTIFIED THE ISSUE, THE REGIME FOR THE ECONOMIC ZONE AND CONTINENTAL SHELF, AND PROVIDED THE ONLY PROCEDURE WITH A CHANGE OF SUCCESS -- PUBLIC DEBATE AND LACK OF COMPROMISE FOLLOWED BY PRIVATE NEGOTIATIONS. THE CHAIRMAN HAS TOLD US HE WILL START SMALL GROUP PRIVATE NEGOTIATIONS NEXT WEEK.

12. UNFORTUNATELY, THE USSR IS WILLING TO ACCEPT THE PRESENT TEXT AND MANY OF OUR PAST ALLIES ARE NOW LESS CONCERNED WITH THE ISSUE. CONSEQUENTLY, WE HAVE STAKED OUT AN EXTREMELY TOUGH POSITION AND DO NOT INTEND TO PUT FORWARD ANY OF OUR OWN PROPOSALS FOR COMPROMISE. WE HAVE ENCOURAGED A FEW STATES TO TRY TO PLAY A MODERATING ROLE (NORWAY, AUSTRALIA AND MEXICO) IN THE HOPE THAT THEY MAY PUT FORWARD OUR PROPOSALS FOR US IN THE SMALL GROUP NEGOTIATIONS. THE ISSUE COULD MOVE QUITE RAPIDLY AND REACH A CLIMAX WITHIN THE NEXT TWO WEEKS.

13. ON MARINE POLLUTION, WE INTEND TO FIGHT HARD ON THE QUESTION OF COASTAL STATE STANDARD-SETTING IN THE TERRITORIAL SEA FOR VESSEL POLLUTION CONTROL TO TRY TO AVOID ANY RESTRICTIONS. THE MARITIME STATES, PARTICULARLY THE U.K., WILL STRONGLY OPPOSE US AS WE ATTEMPT TO ISOLATE THEM AND CONVINCE AT LEAST SOME OF THEM TO CONCEDE ON THE ISSUE. THE USSR WANTS NO OTHER ISSUES RAISED ON THE POLLUTION TEXT. WE MUST RAISE OTHERS BUT MAY DO SO IN THE PRIVATE NORWEGIAN CONSULTING GROUP. YANKOV HAS ENCOURAGED THIS GROUP TO MEET AGAIN TO CONSIDER OTHER ISSUES AND PERHAPS NARROW THE NUMBER OF ISSUES WHICH REQUIRE DISCUSSION AT THE COMMITTEE LEVEL.

COMPULSORY DISPUTE SETTLEMENT

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14. DURING FIRST WEEK INFORMAL PLENARY PROCEEDED TO DETAILED DEBATE WITHOUT DELAY. MAJOR DEVELOPMENTS WERE: 1) USSR PROPOSED AMENDMENT TO ARTICLE 3 THAT WOULD ENABLE A PARTY TO AN INTERNATIONAL AGREEMENT THAT PROVIDES FOR NON-BINDING SETTLEMENT TO ESCAPE OBLIGATION TO APPLY LOS BINDING PROCEDURES, 2) SUPPORT FOR CLARIFYING WHEN ONE PARTY MAY GO TO COMPULSORY SETTLEMENT AND DEVELOPING COASTAL STATE INSISTENCE ON STRENGTHENING EXCLUSIONS RESPECTING ECONOMIC ZONE, 3) EMERGENCE OF SUPPORT BY SOME MEMBERS OF G-77 FOR ONE TRIBUNAL WITH TWO CHAMBERS FOR, RESPECTIVELY, DEEP SEABED AND OTHER ISSUES, AND 4) WIDE-SPREAD DIFFICULTY WITH INTERRELATIONSHIPS AMONG VARIOUS SETTLEMENT PROCEDURES AND INCLINATION BY MANY TO SIMPLIFY THE SYSTEM. CANADIANS ARE INCLINED TO BROADEN EXCEPTION OF POLLUTION ISSUES FROM CDS AND FRENCH WILL MAKE STRONG EFFORT TO WEAKEN OR DISPENSE WITH LOS TRIBUNAL IN FAVOR OF ARBITRATION. BENNETT UNQUOTE ROBINSON

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